

To: Fajardo, Juan[Fajardo.Juan@epa.gov]
Cc: La Jeunesse, Richard T.[RLaJeunesse@Graydon.law]; 'Cinamon, Aliza R.'[ACinamon@proskauer.com]; Goldenberg, Evan[egoldenberg@whitecase.com]; 'Speisman, Thomas (Flexon)'[tspiesman@pbnlaw.com]; Port, Gail S.[GPort@proskauer.com]; Hohl, M. Zack[ZHohl@Graydon.law]
From: Kerschner, Seth
Sent: Mon 6/26/2017 7:06:16 PM
Subject: RE: Diamond Alkali Superfund Site
[kerscse_062617_145547.pdf](#)
[RIDER 1 and 2 to 62617 comments to settlement agreement.DOCX](#)

SETTLEMENT CONFIDENTIAL – FRE RULE 408

Juan,

Thank you for sending a cover letter as well as a proposed cash out settlement agreement regarding Operable Unit 2 for the Diamond Alkali Superfund Site. As you know I represent Pfizer and Wyeth with respect to the Passaic River matter. After receiving EPA's 6/21/2017 email regarding the proposed cash out settlement agreement, I teleconferenced with counsel for three other cash-out settlement offer recipients, including: Flexon Industries Corp.; Kao USA Inc.; and Teva Pharmaceuticals USA, Inc. Attached please find a hand markup showing our collective comments/corrections to the settlement agreement. The changes to the appendix I sent you on 6/16/2017 are included in this markup. The riders are attached in both word and PDF format. The markup and riders being provided in connection with settlement discussions and should be kept confidential under FRE Rule 408.

Thanks,

Seth

Seth Kerschner | Counsel

T +1 2128198630 E seth.kerschner@whitecase.com

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WHITE & CASE

From: Fajardo, Juan [mailto:Fajardo.Juan@epa.gov]

Sent: Wednesday, June 21, 2017 9:40 AM

To: Carol Shapiro; Damon Sedita, Esq.; David Kohane, Esq.; Diana Buongiorno, Esq.; Eric Berry, Esq.; Gail Port, Esq.; Gary F. Werner, Esq.; Gary P. Gengel, Esq.; Gerald H. Gline; Glenn Tucker, Esq. ; James Stewart, Esq.; Jeffery Pollock, Esq.; John Stolz; John Tillman Esq. ; Lee D. Henig-Elona, Esq.; Mark L. Freed; Michael V. Calabro; Mike Resh; Richard T. La Jeunesse, Esq.; Ronald J. Schott, Esq.; Ryder T. Ulon, Esq.; Kerschner, Seth; Sheryl Reba, Esq.; Timothy J. Corrison, Esq.; Tom Spiesman, Esq.; William Hatfield, Esq.

Cc: Donohue, Brian (ENRD); Laura Rowley; Kate Barfield (kate.barfield@noaa.gov); John Dickinson; Mark Barash (mark.barash@sol.doi.gov); Flanagan, Sarah; Wilson, Eric

Subject: Diamond Alkali Superfund Site

Dear Sir/Madam:

Attached please find a cover letter as well as a proposed cash out settlement agreement regarding Operable Unit 2 for the Diamond Alkali Superfund Site.

Sincerely,

Juan M. Fajardo

Assistant Regional Counsel

212 637-3132

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